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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/060,343	04/14/1998	JAMES J. LEFTWICH	14774-82-1	9495

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EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/060,343

Applicant(s)

LEFTWICH, JAMES

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-12,14-21,24-27,30 and 31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-4,8-12,14-21,24-27,30 and 31 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/2/2003 with respect to claims 1-4, 8-12, 14-21, 24-27 and 30-31 have been considered but are not persuasive.

Applicant argued that White entirely fails to disclose using a first filter to select one of the plurality of predetermined subsets of television program (see page 9, lines 18-20). This argument is not persuasive.

White shows a plurality of sub-categories such as CHILDREN, COMEDY ...etc in figure 13. Each sub-category comprises a list television programs. For instance, sub-category CHILDREN comprises a list television program such as "All About Dumbo", "Comdey Club" ...etc as shown in figure 14. This list enables the user to easily select a particular program to watch or to watch in the future. Each sub-category comprises a list of sorted programs relating to that particular sub-category. Thus, each sub-category is a "filter" comprising a list of television programs. With respect to claims 1 and 9, a sub-category 1453, for instance, sub-category CHILDREN, comprises a list of program or event entries 1405 as shown in figure 14. This list is used to select one of the plurality of sorted television programs.

Therefore, White does disclose using a first filter to select one of the plurality of predetermined subsets of television programs.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2611

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-12, 14-21, 24-27 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 5,596,373).

Regarding claim 1, White teaches a method for managing television program listings comprising: storing available television program listings in one or more databases (RAM 51 stores EPG data including guide data, channel data and program data – see figures 3 and 6; col. 5, lines 6-10 and 30-32), the program listings comprising a plurality of program/event entries (see figure 6; col. 5, lines 6-10 and 30-32); utilizing a first filter (using one of the sub-categories such as CHILDREN, COMEDY, DRAMA ... etc) to select a subset of the plurality of program/event entries (using one sub-category to select a subset of the plurality of television programs - see figure 13), wherein the first filter (for instance, sub-category 1453) comprises a list of program/event entries (for instance, list of television programs 1405); generating an electronic program guide including the subset of program/events entries (EPG as shown in figure 14 including the subset of television programs of CHILDREN sub-category); and displaying the generated electronic program guide on a display (see figure 14).

Regarding claim 2, White discloses utilizing a second filter (a second sub-category, for instance EDUCATION) to select a second subset of the plurality of programs/event entries (for instance, using EDUCATION sub-category to select a subset of the plurality of television program about music); utilizing the first filter and the second filter to generate the electronic program guide including all of the program/event entries included in the first subset and all of the program/event entries included in the second subset (as shown in figure 13, the user selects "a first filter" or sub-category "CHILDREN" with a check mark, then select "a second filter" or sub-category "EDUCATION" with a check mark to generate the EPG including all of the television programs included in these selected sub-categories).

Regarding claim 3, White teaches utilizing the first filter and the second filter, wherein at least some of program/event entries of the first subset are the same as at least some of the program/event entries of the second subset to generate the electronic program guide displaying television program listings including program/event entries included in both the first subset and the second subset. For instance, some television programs of the sub-category "EDUCATION" are the same as at least some of the television programs of sub-category "CHILDREN", or some television programs of the sub-category "CHILDREN" are the same as at least some of the television programs of sub-category "EDUCATION".

Regarding claim 4, White teaches creating the first filter utilizing a list of program/event entries in the program listing database, for instance, generating the sub-category utilizing a list of television programs in the program listing database (see figure 13; col. 7, lines 19-24).

Regarding claim 8, White teaches a consumer device stores the television program listings (EPG data is stored in the data buffer of IRD) and the first filter is input into the consumer device from a source external to the consumer device (the category/sub-category information is provided by the service as part of the programming information) (see col. 5, lines 30-32; col. 7, lines 31-33).

Regarding claim 9, White teaches a system for managing television program listings comprising: a memory for storing a database of available television program listings comprising a plurality of program/event entries (EPG data includes guide data, channel data and program data which are stored in the data buffer RAM of IRD – see col. 5, lines 29-31), the memory further configured for storing a first filter (a first sub-category, for instance CHILDREN sub-category) and a second filter (a second sub-category, for instance EDUCATION sub-category) (see figure 13; col. 7, lines 19-33), the first filter comprising a first list of program/event entries (1405 – see figure 14), and the second filter comprising a second list of program/event entries

Art Unit: 2611

(the list of television programs 1405 of sub-category EDUCATION may be displayed same format as the list of television programs of sub-category CHILDREN); and a processor (29) which selects a first subset of programs according to the first filter and a second subset of programs according to the second filter to generate an electronic program guide displaying television program listings included in said first subset and said second subset (the CPU 29 is the central control mechanism and executes code stored in the ROM 37 to perform certain functions of the system – see col. 4, lines 28-30. The user can select all or some of the sub-categories – see col. 7, lines 25-26. For instance, the selected “first subset” or sub-category “CHILDREN” with a check mark, and the selected “second subset” or sub-category “EDUCATION” with a check mark are shown in figure 13. EPG includes all of the television programs included in these selected sub-categories as shown in figure 14) wherein at least some of the programs in the first subset are different from the programs of the second subset, and at least some of the programs in the second subset are different from the programs of the first subset (for instance, some of the programs in first subset or sub-category CHILDREN are different from the programs of the second subset or sub-category EDUCATION, and at least some of the programs in the second subset or sub-category EDUCATION are different from the programs of the first subset or sub-category CHILDREN).

Regarding claim 10, White discloses utilizing said first filter and a second filter for selecting a second of the plurality of predetermined subsets of television programs to generate the electronic program guide displaying television program listings including all of the programs include in said first subset and all of the programs included in said second subset. White clearly discloses that the user can select all or some of the subcategories (see col. 7, lines 25-27). For instance, as shown in figure 13, the user selects a “first subset” or sub-category “CHILDREN” with a check mark, then select a “second subset” or sub-category

Art Unit: 2611

"EDUCATION" with a check mark...and so on, then EPG displays the program listings including all the selected subsets or selected sub-categories.

Regarding claim 11, White teaches utilizing the first filter and the second filter, wherein at least some of program/event entries of the first subset are the same as at least some of the program/event entries of the second subset to generate the electronic program guide displaying television program listings including program/event entries included in both the first subset and the second subset. For instance, some television programs of the sub-category "EDUCATION" are the same as at least some of the television programs of sub-category "CHILDREN", or some television programs of the sub-category "CHILDREN" are the same as at least some of the television programs of sub-category "EDUCATION".

Regarding claim 12, White teaches creating the first filter utilizing a list of program/event entries in the program listing database, for instance, generating the sub-category utilizing a list of television programs in the program listing database (see figure 13; col. 7, lines 19-24).

Claim 14 merely require the listing under "children" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-category would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Claim 15 follows from the discussion with respect to claim 14, the programs identifies under sub-category "children" are a "proper subset" of the total programs in the database since one can filter the database using "specials" category and get a listing of the "proper" sub-category therein.

Regarding claim 16, White teaches a consumer device stores the television program listings (EPG data is stored in the data buffer of IRD) and the first filter is input into the consumer device from a source external to the consumer device (the category/sub-category

Art Unit: 2611

information is provided by the service as part of the programming information) (see col. 5, lines 30-32; col. 7, lines 31-33).

Regarding claim 17, White teaches a method for managing television program listing comprising the steps of: storing a database of available television program listings comprising a plurality of program/event entries (RAM 51 stores EPG data including guide data, channel data and program data – see col. 5, lines 6-10 and 30-32); displaying a user configuration screen having a plurality of program/event sources (categories such as movies, news, sports, specials... as shown in figure 12), a first program filter (a first sub-category, for instance, CHILDREN sub-category) comprising a first list of program/event entries (for instance, 1405) and a second program filter (a second sub-category, for instance, EDUCATION sub-category) comprising a second list of program/event entries (the list of television programs 1405 of sub-category EDUCATION may be displayed same format as the list of television programs of sub-category CHILDREN); selecting at least one of the plurality of program/event sources (selecting one of the categories such as movies, news, sports... - see figure 12), the first program filter and the second program filter from the user configuration screen (selecting sub-categories – see figure 13); filtering programs of the at least one of the plurality of program/event sources utilizing the first/second program filter to produce a first/second subset of programs (once the user has selected the categories, the system finds those programs that are defined in that category, then a sub-category screen is displayed to enable the user to further define the programs the user is interested in); and generating an electronic program guide displaying television program listings included in said first subset and said second subset (for instance, the selected “first subset” or sub-category “CHILDREN” with a check mark, and the selected “second subset” or sub-category “EDUCATION” with a check mark are shown in figure 13. EPG includes all of the television programs included in these selected sub-

Art Unit: 2611

categories as shown in figure 14) wherein at least some of the programs of the first subset are different from the programs of the second subset, and wherein at least some of the programs of the second subset are different from the programs of the first subset (for instance, some of the programs in the "first subset" or first sub-category "children" are different from the programs of the "education", and some of the programs of the second sub-category "education" are different from the programs of the first sub-category "children").

Regarding claim 18, White shows program guide displays television program listings including all of the programs included in said first subset and all of the programs included in said second subset (1405, see figure 13).

Claim 19 merely require the listing under "children" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-category would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Regarding claims 20 and 21, White teaches an interactive filter selective mechanism of available television program listings comprising: a database of available television program listings comprising a plurality of program/event entries (RAM 51 stores EPG data including guide data, channel data and program data – see col. 5, lines 6-10 and 30-32); a plurality of program/event sources (categories such as movies, news, sports, specials...), each program/event source having a predetermined subset of television programs (sub-category); a first program filter (a first sub-category, for instance, "children" sub-category) comprising a first list of program/event entries that filters the plurality of program/event sources to produce a first subset of programs (a first subset or "children" sub-category); a second program filter (a second sub-category, for instance, "education" sub-category) comprising a second list of programs/event entries that filters at least one of the plurality of program/event sources and the

Art Unit: 2611

first subset of program to produce a second subset of programs (for instance, a second subset or sub-category "education"); a selection of program listing sources including the plurality of program/event sources (see figure 12), the first subset of programs, and the second subset of programs (selecting the sub-categories, see figure 13); a user configuration screen having a display of the selecting of program listing sources, wherein a user selects at least one of the plurality of program/event sources, the first program filter and the second program filter from the user configuration screen (once the user has selected the categories, the system finds those programs that are defined in that category, then a sub-category screen is displayed to enable the user to further define the programs the user is interested in – see figures 12-13); and an electronic program guide displaying programs included in said first subset and said second subset (1405, see figure 14).

Further regarding claim 21, as shown in figure 13, the user selects a "first subset" or sub-category "children" with a check mark, then select a "second subset" or sub-category "education" with a check mark...and so on. The EPG displays the program listings (1405) including all of the selected subsets or selected sub-categories (see figure 14).

As to claims 24-27, White teaches the feature of selection of one or all the sub-categories with the check mark. The user can select all or some of the sub-categories (see figure 13).

As to claims 30-31, the first and second lists of program/event entries are not provided with the television program listings. For instance, the list of sub-categories is not provided with the television program listings as shown in figure 13.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2611

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV

March 3, 2003



ANDREW FAILE
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